

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SCOTT ALLEN GODESKY,
Petitioner,

v.

SUPERINTENDENT FRANK D. GILLIS,
Respondent.

C.A. No. 03-1705 Pittsburgh

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on November 7, 2003, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on December 7, 2006, recommended that the petition for writ of habeas corpus be dismissed and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Greene, where he is incarcerated, and on Respondent. Objections were filed by Petitioner on January 10, 2007. After de novo review of the petition and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 31st Day of January, 2007;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED and that a certificate of appealability is DENIED.

The report and recommendation of Magistrate Judge Baxter, dated December 7, 2006, is adopted as the opinion of the court.



ARTHUR J. SCHWAB

United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____